

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

*Defendants.*

Civil Action No. 2:23-CV-00379-JRG-RSP

HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

*Defendants.*

Civil Action No. 2:23-CV-00377-JRG-RSP

**DEFENDANTS' MOTION FOR LEAVE TO FILE SIXTH OPPOSED MOTION *IN LIMINE***

Defendants respectfully move the Court for leave to file a sixth opposed motion *in limine*, in addition to the five motions allowed by the Court's Standing Order. The proposed sixth motion *in limine* is attached hereto as Exhibit 1.

Specifically, Defendants seek leave to file a motion *in limine* that is identical to a MIL the Court has already adopted in the *Samsung* litigation: that Headwater be precluded from presenting evidence, testimony, or argument that [Defendants'] fact witnesses have not read the patents-in-suit or formed opinions regarding the patents-in-suit unless the witnesses were designated on such topics; and shall not present any argument, evidence, or testimony suggesting that a party's corporate representative at trial is obligated to prepare on any particular topic or is charged with

knowledge of others within the company unless said representative was previously designated as a 30(b)(6) witness on said topic. *Headwater Research, LLC v. Samsung Elecs. Co.*, No. 2:22-CV-422-JRG-RSP, Dkt. No. 350 at 4 (E.D. Tex. July 8, 2024).

During the meet and confer process, Headwater indicated it would agree to the MIL, except it insisted on two new caveats, both of which are improper. The nature of these demanded caveats, and the reasons why they are improper, is addressed in the attached proposed sixth MIL.

The Court has discretion to allow the filing of additional motions *in limine* when good cause is shown. Here, good cause exists. The motion *in limine* should not be disputed, as the Court already entered a MIL with precisely the same language against Headwater in an earlier case on substantively similar facts, and the new caveats Headwater insists on are improper. Defendants respectfully submit that the additional burden of a sixth MIL is minimal, as the issue has already been briefed and decided in a prior case. Moreover, Defendants should not be required to use one of their five disputed MILs to address a topic that should be undisputed, and is only disputed because Headwater insists on two improper caveats that appear nowhere in the prior order.

For the foregoing reasons, Defendants respectfully request that the Court grant this motion for leave to file an additional motion *in limine*.

Dated: May 1, 2025

By: /s/ Josh A. Krevitt

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on May 1, 2025.

/s/ Josh A. Krevitt  
Josh A. Krevitt

**CERTIFICATE OF CONFERENCE**

I hereby certify that pursuant to Local Rules CV-7(h) and (i), counsel for Defendants conferred with counsel for Plaintiff regarding this Motion. Counsel for Plaintiff indicated that they oppose the relief sought herein.

/s/ Josh A. Krevitt  
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